

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF MISSISSIPPI  
SOUTHERN DIVISION**

**ARBOR PROPERTIES DEVELOPMENT, INC.**

**PLAINTIFF**

**V.**

**CIVIL ACTION NO.1:05CV573 LTS-RHW**

**WESTCHESTER SURPLUS LINES INSURANCE COMPANY  
and LANDMARK AMERICAN INSURANCE COMPANY**

**DEFENDANTS**

**ORDER SETTING HEARING**

The parties to this insurance litigation have appointed their representatives to participate in the appraisal process but have not yet agreed on an umpire. Plaintiff Arbor Development, Inc., has asked the Court to appoint the umpire.

Since the appointment of an umpire is a critical decision in this case, I have decided to schedule a hearing so that I may hear from the counsel for all parties before making this decision. The hearing will be in my chambers, 2012 15<sup>th</sup> Street, Suite 514, Gulfport, Mississippi, on Monday, September 25, 2006, at 1:30 p.m. Unless the parties notify the court ten days before the hearing that they need to present oral testimony, no court reporter will be in attendance. The Court will receive any documentary evidence exchanged at least ten days before the hearing, the Court will consider the materials on file, and the Court will entertain the argument of counsel.

**SO ORDERED** this 5<sup>th</sup> day of September, 2006.

*s/ L. T. Senter, Jr.*  
L. T. Senter  
Senior Judge